REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the following remarks, is respectfully requested.

Claims 1-16, 18, 30-37 and 39-51 remain pending in this application. No claims have been amended.

In the outstanding Office Action, Claims 30 and 31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tahara et al. (WO 00/46989, hereinafter "Tahara"); and Claims 1-16, 18, 32-37, and 39-51[1] were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tahara further in view of Applicants' background art.[2]

Claim 1 recites, *inter alia*, "... generating ... additional information ... said additional information including a predetermined condition when said time-series information is retrieved; and said management information and said additional information being recorded at in at least one of logical and physical positions next to each other in respective predetermined decoding/reproduction units." Claims 10, 30, 31, and 32 recite similar subject matter. It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Tahara or Applicants' background art.

The Office Action asserts:

> the examiner maintains that Tahara teaches management information and additional information being in a logical position next to each other (see in figure 26 a logical succession indicated by the direction of the arrows wherein the schematic diagram is a representation of the data structure an MPEG encoded stream, and wherein block 242 representing, *inter alia* a PTS bit string is followed by block 243 representing an ancillary data bit string).

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[1] The Office Action states that Claims 1-18 and 32-51 are rejected. However, Claims 16 and 38 have previously been canceled.

[2] The Office Action refers to application FIGS. 9A and 9B as Applicants' admitted prior art. However, those figures are described in the specification as "Background Art".

> it is the examiner's position that figure 15 describes the bit
> string that corresponds to the different data types, and not
> necessarily an encoding order (e.g., see col. 16, line 12 *et seq.*).

Applicants respectfully disagree.

Referring to Tahara U.S. Patent No. 6,671,323 B1 in concert with the Office Action,

U.S. Patent Tahara describes "[s]uch ancillary data includes, but is not limited to, text data,

closed-captioning data, VITC (vertical interval time code) defined by SMPTE RP164, and

LTC (linear time code) defined by RP196." Tahara further describes "the ancillary data

separating circuit 101 extracts the unique information possessed by input video data."

Referring to Fig. 21, cited in the Office Action, Tahara describes in column 16, line 63 to

column 17, line 1:

> Now the syntax of Ancillary_data( ) that adds identifiers to
> ancillary data will be described with reference to FIG. 21.
> Ancillary_data( ), which is inserted as user data in the picture
> layer, includes a field identifier (Field_ID), a line number
> (Line_number), and ancillary data.

Further, Tahara shows the upper most line output from controller 405 in FIG. 31 as

including ancillary data, line number, field ID, time code 1 and time code 2.

Finally, in the output of the upper line of controller 405 in Fig. 31 Tahara intermixes

auxiliary data with line number, field ID, time code 1 and time code 2. Thus, there is no

description in Tahara that additional information including a predetermined condition when

said time-series information is retrieved being recorded in a logical or physical position next

to management information for use in a decoding/reproduction process for decoding and

reproducing said time-series information as recited in independent Claims 1, 10 and 30-32.

It is respectfully submitted that the Advisory Action has misdescribed and

misinterpreted the disclosure of Tahara. FIG. 26 of Tahara is a simplified figure for

understanding of the embodiments. However, the precise data syntax of the user data 240 of

FIG. 26 is shown in FIG. 15. FIG. 15 clearly shows that bit string 06 Video Index is

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positioned between bit string 05 Picture Order and bit string 07 Ancillary data. That is, the

Ancillary data of Tahara is separated from the management data including bit strings 01-05

by Video Index of bit string 06. Therefore, Tahara does not describe management

information and additional information being in a logical or physical position next to each

other. Rather, Tahara describes the management information and additional information

being separated from one another by bit string 06 Video Index.

MPEP § 2131 states "to anticipate a claim, the reference must teach every element of

the claim." In the portions of the outstanding Office Action quoted above it is stated "the

examiner maintains that Tahara teaches management information and additional information

being in a logical position next to each other ...." It further states "it is the examiner's

position that figure 15 describes the bit string that corresponds to the different data types, and

not necessarily an encoding order (e.g., see col. 16, line 12 *et seq.*)." It is respectfully

submitted that the test of anticipation is not "the examiner's position" but what the reference

teaches as stated in MPEP § 2131. The Office Action fails to point out any language in

Tahara indicating in any respect that "figure 15 describes the bit string that corresponds to the

different data types, and not necessarily an encoding order." In particular, there is no

statement in Tahara column 16, line 12 *et seq.* that the order of the bit string shown in FIG.

15 of Tahara is not necessarily an encoding order. Therefore, there is no description

teaching, suggestion, motivation or other logical reason provided by Tahara in the form of

evidence present in the Tahara disclosure to support the positions described with regard to

what is stated in the Office Action.

Therefore, Tahara fails to describe additional information including a predetermined

condition when said time series information is retrieved as recited in Claims 1, 10 and 30-32

and Tahara fails to describe management information and additional information being

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recorded in at least one of logical and physical positions next to each other as recited in

Claims 1, 10 and 30-32.

It is respectfully submitted that dependent Claims 2-9, 11-16, 18, 33-37 and 39-51 are

patentable at least for the reasons argued above with regard to the claims from which they
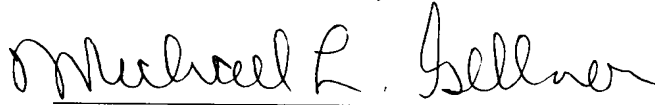
depend.

Accordingly, withdrawal of the rejections of Claims 1-16, 18, 30-37 and 39-51 is

respectfully requested, and allowance of Claims 1-18 and 30-51 is respectfully requested.

Consequently, for the reasons discussed in detail above, no further issues are believed

to be outstanding in the present application and the present application is believed to be in

condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this

application in even better form for allowance, the Examiner is encouraged to contact the

undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Michael L. Gellner
Registration No. 27,256

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

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